

The Orissa Gazette



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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 2nd September 2005

No. 7444-Ii/1 (SS)-48/03/LE.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award dated the 17th August 2005 in I.D. Case No. 36/03 of the Presiding Officer, Industrial Tribunal, Rourkela to whom the industrial disputes between the Management of M/s. Orissa Spinning Mills Ltd., Alipore, Kolkata-7600055 and its workman represented through the General Secretary, Orissa Spinning Mills Workers Union, Rajgangpur, Sundergarh was referred for adjudication is hereby published as in the scheduled below:—

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, ROURKELA

INDUSTRIAL DISPUTE CASE No. 36 OF 2003

Dated the 17th August 2005

Present:

Sk. Jan Hossain,
Presiding Officer,
Industrial Tribunal,
Rourkela.

Between:

The Managing Director,
M/s. Orissa Spinning Mills Ltd.,
569/2 Block 'N', New Alipore,
Kolkata-7600055.

. . First party—Management

And

Its workmen represented by
General Secretary, Orissa
Spinning Mills Workers' Union
At. Rajgangpur, Sundargarh.

. . Second party—Workman

Appearances:

For the first party

. . None

For the second party

. . In person

AWARD

This is a reference made by the appropriate Government for decision of a dispute:

“Whether the introduction of four hours of extra work in Ring Frame Department and Open End Department of the Orissa Spinning Mills Ltd. at the single rate by deferring the payment of balance over time dues with sole motive to increase production is legal and/ or justified ? if not, what should be the details of modalities ?

2. In spite of several notices issued to the Management, it did not attend the Court. Hence the Management was set *ex parte*.

3. In the written statement, the 2nd party has averred that the 1st party is one of the companies in the name and style of Orissa Spinning Mills Ltd. and there 500 workers are working. But suddenly, the Management stopped the Mill by way of suspension of production which continued up to 1985. Thereafter the union raised industrial dispute before the Labour Department. The Mill was again started in the year 1998 by virtue of a settlement. Thereafter the workers submitted a 24 point charter of demands before the Management. But no action was taken by the Management. While this matter was pending with the Management all of sudden declared lock-out of the Mill from 01-04-2003. Prior to lock out the Management has not taken any permission from the Government. So it is illegal and unjustified under law.

4. The 2nd party examined himself as W.W.1 on behalf of all the workers. He corroborated the evidence as stated in the written statement. His claims appears true. So it is ordered that the lock-out declared by the Management is illegal and unjustified and all workers are entitled for full wages for the period of lock-out and that extra work beyond 8 hours duty is to be treated as over time and over time wages is to be double or normal wages as per Factories Act. The award is passed *ex parte*.

Dictated and Corrected by me.

Sk. JAN HOSSAIN
17-08-2005
Presiding Officer,
Industrial Tribunal,
Rourkela.

Sk. JAN HOSSAIN
17-08-2005
Presiding Officer,
Industrial Tribunal,
Rourkela.

By order of the Governor

D.MISHRA
Under-Secretary to Government